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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHAWNA HARTMANN &
CAREN HILL,

Plaintiff,

No. CIV S-08-3094 DAD P

vs.

CAL. DEP'T CORRS. &
REHABILITATION, et al.,

Defendants.

ORDER

_____ /
Plaintiffs, two state prisoners proceeding through counsel, have filed a civil rights action pursuant to 42 U.S.C. § 1983. This matter came before the court on defendants' motion for intradistrict transfer. On January 8, 2010, the undersigned heard oral arguments from the parties.

For the reasons discussed at the hearing, the court finds that this action arises out of Madera County, which is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(d). Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper division of a court may be transferred to the proper division of the court. Accordingly, the court will transfer this action to the Fresno Division of the court.

1 Defendants in this case have filed two separate motions to dismiss pursuant to
2 Rule 12(b)(6) of the Federal Rules of Civil Procedure. On December 23, 2009, the court granted
3 plaintiffs an extension of time to January 22, 2010, to file their opposition to defendants'
4 motions. The motions to dismiss are currently noticed for hearing on February 5, 2010. This
5 court will not vacate or continue the hearing date on those motions at this time. Instead, the court
6 will allow the newly assigned magistrate judge in the Fresno Division of the court to proceed
7 with the case as scheduled or to modify the hearing date as desired.

8 Good cause appearing, IT IS HEREBY ORDERED that:

- 9 1. Defendants' December 3, 2009 motion for intradistrict transfer (Doc. No. 31)
10 is granted;
- 11 2. Defendants' January 5, 2010 motion to strike (Doc. No. 40) is denied;
- 12 3. This action is transferred to the United States District Court for the Eastern
13 District of California sitting in Fresno; and
- 14 4. All future filings shall reference the new Fresno case number assigned and
15 shall be filed at:

16 United States District Court
17 Eastern District of California
18 2500 Tulare Street
19 Fresno, CA 93721

19 DATED: January 8, 2010.

20 
21 _____
22 DALE A. DROZD
23 UNITED STATES MAGISTRATE JUDGE

21 DAD:9
22 hart3094.22